

Hearing Date: August 11, 2020 at 10:00 a.m.
Objection Deadline: August 4, 2020 at 4:00 p.m.

MORITT HOCK & HAMROFF LLP
400 Garden City Plaza
Garden City, NY 11530
(516) 873-2000
Theresa A. Driscoll
tdriscoll@moritthock.com

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

In re:

Chapter 11

Case No. 20-10809 (SMB)

P8H, INC. d/b/a Paddle8,

Debtor.

-----X

**MOTION OF MORITT HOCK & HAMROFF LLP TO
WITHDRAW AS COUNSEL FOR FBNK FINANCE S.a.r.l.**

Moritt Hock & Hamroff LLP ("MH&H") respectfully submits this Motion pursuant to Rule 2090-1(e) of the Local Bankruptcy Rules of the Southern District of New York ("LBR") to permit MH&H to withdraw as counsel for FBNK Finance S.a.r.l., a creditor in the above-captioned chapter 11 case.

Statement of Facts

The facts are more fully set forth in the Declaration of Theresa A. Driscoll, Esq. of MH&H, dated July 10, 2020 (the "Driscoll Declaration") and will be referred to herein as necessary.

**MH&H SHOULD BE RELIEVED
AS COUNSEL FOR FBNK FINANCE S.a.r.l.**

Rule 2090-1(e) of the LBR provides that " [a]n attorney who has...appeared as attorney of record may withdraw or be replaced only by order of the Court for cause shown." LBR 2090-

1(e). As set forth in the Driscoll Declaration, meaningful communication with Defendant FBNK Finance S.a.r.l. has completely broken down. It is well-settled that lack of communication with a client constitutes grounds for withdrawal of counsel. *See* N.Y. Rules of Professional Conduct, Rule 1.16(c)(5) and (7); *see also*, *Hancock v. County of Suffolk*, No. 06- 1716 (DRK) (ETB) (E.D.N.Y. November 20, 2007) 2007 WL 4180805 at *1; *Furlow v. City of New York*, 90 Civ. 3956, 1993 WL 88260 (S.D.N.Y. March 22, 1993) ("An attorney may withdraw as counsel when his client fails to communicate with him."); *Del Turco v. Taylor Tile Co. Inc.*, No. 03-CV-5543 (RJD) (JMA) (E.D.N.Y. August 6, 2007) 2007 WL 2581882 at *2. The lack of meaningful communication demonstrates it has become "unreasonably difficult for [MH&H] to carry out employment effectively" pursuant to Rule 1.16(c)(7) of the New York Rules of Professional Conduct.

Under the circumstances, it is respectfully submitted that MH&H should be permitted to withdraw as counsel for FBNK Finance S.a.r.l.

Conclusion

For the reasons set forth herein and in the accompanying Driscoll Declaration, it is submitted that MH&H should be permitted to withdraw as counsel for FBNK Finance S.a.r.l.

Dated: July 22, 2020
Garden City, New York

MORITT HOCK & HAMROFF LLP
Counsel to FBNK Finance S.a.r.l.

By: /s/ Theresa A. Driscoll
Theresa A. Driscoll
400 Garden City Plaza
Garden City, NY 11530
(516) 873-2000
tdriscoll@moritthock.com